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DEPARTMENT OF
WATER RESOURCES

Water District 61E
Cold Springs Creek
Annual Meeting Minutes
January 26, 2015
6:00PM Glenns Ferry City Hall

The meeting was called to order by Teresa McCallum at 6:00pm and let everyone know the meeting is being recorded. She stated the Ed Neuer would be voting for Susan Denny & Joann Hunt by proxy and Glenn Bean would be voting for his mother Annabeth Bean by proxy. In attendance were Teresa & John McCallum (CDN & ARK), Kelly & Paula Riggs (DA), Rich Neal (WM), Rob Whitney (IDWR), Harley Riggs (DA), Lou Anderson & Chuck Shenk (Muleshoe), Ed Neuer, Brenda and Gary Ellis, Glenn Bean, Jim Chambers & Juan Gutierrez (Barber Caven & Half Moon), Lee Blackwell, Ann Wilson, Julio ? and Bruce Smith (Attorney for John & Teresa McCallum).

Teresa asked for a motion to approve the agenda as posted, Kelly moved, Lou second, motion passed. Paula read the minutes from the January 13, 2014 annual meeting. Teresa stated the minutes from the special budget meeting held June 4, 2014 were mailed to everyone and asked that if nobody ejects she would like to have a motion to approve both minutes as submitted and read. Brenda asked for the June 4, 2014 minutes to be read. Paula read the minutes, motion to approve both minutes by Lee, 2nd by Kelly, motion passed.

Paula read the Treasurers report. She stated that they had changed from the one mailed out to everyone prior to the meeting due to postage changed in the meantime due to packages being mailed out (Attached). Kelly motioned for approval, 2nd by Lee, motion passed.

Water Master Report: Teresa stated it was quite long and she hoped everyone had read it and opened the floor to Rich for any questions. Harley asked Rich if there is anything the District can do for him (provide any tools or further training) to help him in his job as WM. Rich stated that due to the situation the monkey has been put on Rob's (IDWR) back and the two of them have an excellent relationship now and any questions he has he just calls Rob and he helps him. It is a big improvement from a year ago.

Old Business: Paula stated the IDWR Inspection Report was mailed out twice, once after she received it in November and then again in this meeting packet. Teresa said mainly it states everyone must have a lockable diversion & facility. Paula read the main parts she highlighted: 1) The IDWR has reviewed and concurs with the WM Report on Weir Inspections and trust that the users on Cold Springs Creek (CSC) will initiate and complete any necessary repairs in cooperation with the Dpt and the WM prior to the 2015 delivery season. 2) Pursuant to the order the WM may shut off or refuse to deliver water from CSC if a user fails to install and maintain the required control structures or measuring device. Additionally, failure to comply with the order may subject the user to a formal enforcement action. 3) The Dpt requires that the WM curtail any diversion or use of water from CSC that is not authorized by a valid water right. This will require administration of water rights on a year round basis and not simply during the irrigation season. WD61E is encouraged to provide a budget for additional administration by the WM throughout the year. Kelly asked clarification from Rich, he asked if Rich got to all of the diversions. Rich stated he went down the creek, CDN, Blackwell, DA, ARK, Half Moon, the old (inaudible) place then Muleshoe, Elliot's & Wilson. The other people that have water rights but do not use water out of the

creek were not inspected. Lee asked if that left off Beans and Rich stated no he knows the one she is talking about right off of DA's diversion and it was inspected. Kelly then asked clarification from Rob Whitney (IDWR), the Idaho law states several times a lockable point of diversion is required but the statute does not define "point of diversion" would he please clarify this. Rob stated it is the specific point from the source where the water is diverted and they want the device & measurement as close to that point as possible. Some situations are different so the bottom line is can the WM control the diversion off the stream at that point and measure it adequately to make the delivery. Lee asked if Beans and DA is two different diversions. Harley stated that DA has 2 different diversions. Kelly clarified DA has their diversion and then less than 100 yards Beans' diversion comes out of DA's ditch, they do not actually have a diversion. Glenn has to go to DA weir see where DA's weir is then diverts his water and then has to go re-adjust DA's diversion to put DA's weir to where it was originally. Lou wanted confirmation from Rich according to the directive from IDWR in order to receive water you have to have approved diversion and measuring device. Rich confirmed that is correct. Lou asked if everyone's diversion and measuring device meet these standards. Rich stated no but they are all in the process of upgrading so that they will be by February 15 the beginning of irrigation season. Lou understands that unless you have an approved diversion and measuring device the user should not receive any water until they do. Rich stated that is correct, it has been very lax in the past but going forward it will be required. Lou asked in order to make sure this happens the only way is to have the WM spend time that is not associated with the call outs. Before anyone could receive water he would have to go inspect and say yes it is OK for you to receive water otherwise they cannot turn on any water. That does not involve a callout that involves the user calling saying I am ready for water, he would have to come inspect and say yes you can have water. Rich said yes and that he understands everyone's gates will be locked and he will be the only one that can adjust them.

New Business: Amendment to the By-Laws. Paula stated she had 2 by-law changes she would like made: Section 1 add 61E to the name and Section 2 change address to hers from prior secretaries. Lee made motion to approve, 2nd by Glenn, motion passed. Lou wanted clarification the vote was just on these amendments not the by-laws as a whole. Teresa said that was correct.

Teresa stated CDN sent out letters proposing an amendment to the by-laws: Article VII Budgeting add Section 3: If a significant dispute arises between or among a portion of the users that it would be unreasonable to impose costs on all the users. The parties to the dispute shall be assessed independently for the costs of addressing the dispute. She proposed the amendment and opened the floor for discussion. Lee is for it because they are in the middle of CDN & DA and they don't get any water so they shouldn't have to pay. They pay \$140 for nothing. Harley said his opinion is this is just for this year, there are no predictions for future years but there is no water in the lower section of the stream. Rich stated Muleshoe and Wilsons at the bottom of the creek have been able to irrigate. Lee stated that when there are 2 or 3 entities who are in a legal battle then the rest pay and it is not fair. Kelly stated the issues that are happening between each other are all centered around how the creek is managed it is all centers around having the WM in place with the proper tools to do his job so that more people on the creek get water. DA is not fighting with CDN over anything else but managing the creek properly, it is what everyone wants. If we call him out we pay, he still has to check all the diversions. Lee had no problem with Rich doing his job she doesn't know that having 2 call outs a week for 6 months is a bit overboard. Lou said that the way most are managed and suggested by IDWR previously

is that the water is measured and recorded and the fee structure is based off of how much water the user actually uses. It is usually done on a 3 year average once established no more than a 5 yr ave. If in this instance if we have that structure in place and there is a minimum charge to every user so everyone pays a little bit to help maintain the system. If it was set that way now the users that have not got any water would only pay the minimum and the people at the head of the creek that have been getting the majority of the water would pay the most. A budget is set then you take the percentage of water being used divided into the budget and that determines what everyone pays. It will be hard the first year or two but after it is established it will be easy and the IDWR wants the water used recorded anyway. This would solve everyone's issue, the 2 causing the most cost would pay the most and when we get into better water years then everyone would pay more if they get more water. John stated this is just between 2 users and agrees it should be split between CDN & DA and the rest just pay the minimum. Kelly agreed and likes Lou's suggestion but disagrees with John McCallum stating it is just between two users, from DA's opinion it is between trying to get the creek managed properly so everyone can get water. That is the point DA is trying to make and the point they are trying to make with IDWR, managing the creek properly. He feels their point has been quite validated. He thinks Lou's suggestion is fair. Lou said the WM should be going out 2/wk anyway but every time the creek changes Rich is going to have to be called out. It is going to be difficult the first year but we have to start somewhere. Teresa suggested approving her motion this year and then look at Lou's suggestion next year. If we know it is coming next year and Rich starts measuring this year we would have somewhere to start. Lou stated it is required that those measurements are being taken this year anyway and it is not that difficult. Teresa repeated the motion on the floor. Kelly asked for clarification of additional call outs. Teresa said that in the past the budget was for 12-14 callouts so anything higher than that is additional and should be split between CDN & DA. She thinks there should be a base of 10 or 12. Harley stated the call outs could be daily depending on run off. Gary stated he wants to understand the difference between a call out what the WM has to do for his job. Teresa said every time the WM goes out it is considered a Call out. Lee said there shouldn't be as many callouts now if they are locked. Teresa stated no there will be more because we are proposing that their head gate and DA's head gate are locked and nobody has a key but Rich. So when either needed water Rich would have to come out. Lou said it states that they need to be lockable not locked so if and when Rich determines there is misuse he could lock them and the user would not have any say. Kelly wants to make the point of what happens if the water fluctuates 4" in 8 days is everyone going to pay the additional payout because everyone would be affected. Is everyone going to pay the extra call out if say Muleshoe asks for the WM to turn water down is he going to pay the additional call out or is it just CDN & DA paying? How is that going to work? Teresa said the 12 call outs would be against everyone and all of the extras would be against CDN & DA. There was a long discussion on how to make this work with a lot of people talking at the same time so it was difficult to transcribe. Teresa said we could go back and look at last year's call outs there were 30 and they were all for DA & CDN with the exception of the IDWR inspection so everyone has been paying for CDN & DA in the past. John said if you do 12 call outs between CDN & DA and they pay for 6 of them that means the other 6 are everyone else. Brenda asked if Rich would find someone at fault if there was a dispute. Teresa said no, if DA calls out against CDN for doing something and Rich comes out and finds that CDN is within their water rights so be it that is the way it is. She is happy to ease DA's mind that they are not doing anything wrong. Brenda asked if then DA would have to pay for that call out and Teresa said that

does not work because Rich is not Judge & Jury. Kelly wanted to clarify that, when DA calls the WM out it is for DA's water delivery. Rich has to check the whole creek and adjusts accordingly we are not calling him out because we think CDN is doing something wrong, we are calling him out because we want to check on our water delivery and that is why we would call him out. Or if we know the water fluctuates above our legal decree we would have to call him out if our weir is locked where before we would just adjust our head gate and decrease the flow to our weir measuring it ourselves. He does not have a problem with locking his diversion but the problem is he may have to call Rich out on a daily basis just to adjust the flow of water which is an issue when talking about paying for call outs. If we have 6 cfs and are only supposed to have 2 we would have to call Rich out to release the other 4 and everyone else down the creek is going to benefit so with Teresa's proposal CDN & DA would be paying for everything but everyone else down the creek would benefit because they would get the water. Everyone has focused on the bad tonight but there are going to be other instances where everyone will benefit due to a call out and that are his point. Lee thinks everyone should be trustworthy and honest enough to take care of their own water and she objects to the locks unless there is a problem then lock them. John said it is just mistrust between DA & CDN. Teresa said they are volunteering to have theirs locked because they are trying to solve the situation and appease DA. Kelly said DA has volunteered too. Gary asked if these callouts are being used for some type of evidence in a court of law. Jim said at least 30. Teresa said that is a difficult question because now you are questioning people's motives and it is not fair to ask Rich to determine that. Jim said there is a difference between a call out to gather evidence for an individual and a call out to adjust water. John said the locks will make a difference now. Harley replied yes, for both parties. Harley said anyone on this stream has a right to call the WM out anytime they want, everyone agreed. Kelly wanted to reiterate that Lou Andersons suggestion is a good one and he sees no point in changing the by-laws to CDN's suggestion for one year and then changing them again next year to go to a better system when the better system is being presented to us now. Teresa asked what happens to CDN & DA if Beans & Blackwell's get into it and they use a small use of water but have the majority of call outs because of a dispute, now the smaller users become the issue instead of the bigger users. Now we are paying and that is not fair to the big users. Teresa asked if there was a 2nd for the proposal on the floor which she read again. Brenda wanted to know what the definition of significant dispute and feels that it is too vague. Teresa said we can change that, Brenda wanted it taken out altogether. Kelly wanted a clarification of who determines if it is a dispute or if it is just a call out for water delivery. Teresa did not have a clarification. Gary said he wants to make an informed decision and wanted to know what this amendment will hurt if anything? Kelly explained it doesn't hurt anything but feels Lou's suggestion is just a better one for long term. To answer his question he didn't feel that it is unreasonable to ask the users causing the call outs pay as long as everyone realizes that everyone is going to benefit from them. He is asking for the motion to be clarified so it is the proper motion on the floor. Lou stated we are just going in circles and this is what we need to decide if his suggestion is the way we want to go or McCullums and then define from there. Teresa asked for the users to vote on which way they wanted to go it was decided to go with Lou's suggestion. Ann wanted clarification if we were dropping McCullums proposed amendment, Teresa said yes. She asked for a vote to continue with her proposed amendment, 6 for and 6 against. Kelly asked if we could pursue Lou's option instead. Lou Anderson gave his proposal to amend the by-laws as follows:

Budget amount/CDN & DA pay 90% with 55/45 split/Mule Shoe & Wilson pay other 10% with a 80/20 split. Users that did not use any water would pay \$75 min because everyone needs to be a part of this. Next year everyone would be assessed on what they use this year which the WM will record and then the next year would be based of that prior year and so forth until we have 3 years and then it would be averaged and that's how we move forward. That way everyone will know what their bill is going to be when we leave tonight. We know who used the water, we are just going to have to come to an agreement on the percentages used be each. Kelly said we should have numbers from the WM report that will tell us exactly what each user used to go by. John said he had a problem with this because there are only 2 or 3 users that get the majority of the water but we have users that get no water now making a decision on how the money is spent. If a user is not using any water they should not be able to make a decision on how much CDN, DA or Mule Shoe pays and he has a problem with that. Teresa asked for an advisory vote on the Anderson proposal of being charged by the amount of water used, 9 for and 3 against motion passed. She stated we need to figure out how to make the Anderson proposal work. Lou made a motion to amend the by-laws with his proposal; Glenn Bean said the minimum suggestion is way more than what he currently pays. A new suggestion of \$25 was made by Teresa, all agreed. Lou revised his motion to change the minimum to \$25, the revised motion was 2nd by Lee, motion passed. Teresa stated that because they have the first right and they are going to get water all summer long they are going to have 70% of that 90% in future years and that means all of you delegate to us who will be paying 70-80% of the water fees in future years is harsh. Just because they have the first right she is concerned how everyone else dictates how she spends her money when she is happy and willing to do their very best to alleviate the issues. They have allowed a lot of DA's people come and try to review their ground and it just keeps getting worse when they are not doing anything wrong. That is her concern about this proposal. Lee said this is just for this year and it is negotiable next year, Teresa agreed but wants to work on a concept that is permanent not just one year at a time. Teresa asked if there were any other amendments to the by-laws. Kelly wanted the by-laws to be updated at some point with more modern practices. A discussion was then held on certification of flow meters. Kelly asked if it should be done every year, Lou stated his water district does it every 5 years. Rob from IDWR said all flow meters have to be from approved list of certified & tested. Lou said it should be looked at next year. No vote taken. Teresa asked for a motion to approve the by-laws as written and amended for the upcoming year. Moved by Lou Anderson, 2nd by Ed Neuer, motion passed.

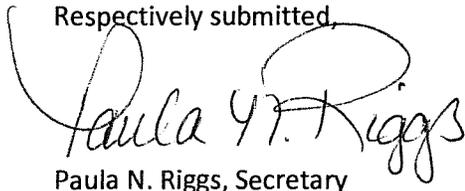
Proposed Budget: Teresa asked if the \$225 for the 3 call outs have been paid. Paula said no they came in after the packets were mailed out so she added it and changed the workmans comp to \$316 which is the bill she received today. She stated the 2015 call outs are listed out on the budget sheet and the total budget for 2015 with a \$1,000 slush allowance would be \$6,279.49. Ann Wilson made a motion to approve the budget, 2nd by Lou Anderson, motion passed. (See Attached)

Election of Officers: Elections were held. Lee Blackwell made a motion to leave all officers of President, Secretary & Water Master the same, Kelly 2nd, motion passed. Lou Anderson made a motion for the advisory committee to be a total of 3 users made up of 2 from above the rim and 1 from below the rim and they would be chosen by those users in their area. Gary 2nd, open for discussion. Harley said he thinks this has been a great meeting with all users being here and having input and that he feels the

advisory committee should be everyone so everyone has input. A vote was taken, motion failed. Kelly Riggs made a motion to leave the advisory committee as all water users, 2nd by Lee Blackwell, motion passed.

Teresa asked for any other business, being none she made a motion to adjourn until the next meeting the 2nd Monday in January at 6:00pm at the Glenns Ferry City Hall. 2nd by Jim Chambers, motion passed and meeting was adjourned.

Respectively submitted,

A handwritten signature in black ink that reads "Paula N. Riggs". The signature is written in a cursive style with a large, looping initial "P".

Paula N. Riggs, Secretary